UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
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In Re:

Chapter 13

ALFONSO GERMAN CEVALLOS

*Debtor*

Case No. 1-16-42193-nhl

--------------------------------------------------------------X
THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS

**Adversary Proceeding**

*Plaintiff,*

*-against-*

ALFONSO GERMAN CEVALLOS

*Defendant.*
--------------------------------------------------------------X

**COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY, OBJECTING TO DEBTOR'S DISCHARGE AND RELIEF FROM STAY PURSUANT TO SECTION 523(a)(7) OF THE BANKRUPTCY CODE**

Plaintiff-Creditor, the City of New York Department of Buildings ("DOB"), by and through its attorney, Paul R. Gross of Leopold, Gross & Sommers, P.C., Special Assistant Corporation Counsel to Zachary W. Carter, Corporation Counsel of the City of New York, as against Defendant-Debtor Alfonso German Cevallos (the "Debtor"), respectfully alleges:

**JURISDICTION**

1. On May 19th, 2016, the Debtor filed a petition (the "Petition") for relief under Chapter 13 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Eastern District of New York.

2. Subsequent to the filing, the 341(a) Meeting of Creditors was scheduled to be held on July 6th, 2016 at 9:30AM at Room 2579, 271-C at Cadman Plaza East in the U.S. Bankruptcy Court for the Eastern District of New York.

3. As of the date of this Complaint, the Court has not made a determination as to whether the Defendant's debts are dischargeable.

4. This Complaint is timely because the Meeting of Creditors has not yet occurred.

5. This is an Adversary Proceeding in which Plaintiff-Creditor, representing the DOB, objects to the Debtor's discharge under Bankruptcy Code § 523(a)(7), and seeks an order setting forth that the DOB violations and fines incurred in connection with Debtor's property are non-dischargeable under Bankruptcy Code § 523(a)(7). Plaintiff-Creditor also brings this Adversary Proceeding to obtain relief from stay so as to take the proper action in collecting the debt.

6. This Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. § 1334 and Bankruptcy Code § 523.

7. This case is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I) and 157(b)(2)(J).

## PARTIES

**Creditor**

8. Creditor is a municipality of The City of New York as established by the New York City Charter and maintains a place of business in the city of New York.

9. Creditor is a judgment creditor of the Debtor.

**Debtor**

10. Debtor in the above-captioned case and at all relevant times has resided at 91-61 91st Street Woodhaven, New York 11421-3020.

11. Debtor is the owner of 91-61 91st Street Woodhaven, New York 11421-3020, the subject property.

**HISTORY OF DEPARTMENT OF BUILDINGS VIOLATIONS**

12. On September 26th, 1991, a deed was recorded in Queens County for a property located at 91-61 91st Street Woodhaven, New York 11421-3020 (hereinafter referred to as "the subject property").

(A copy of the deed and deed recordation are attached to this Adversary Proceeding as Exhibit "A" and are incorporated by reference.)

13. The subject property was conveyed from Anthony Russo to Debtor.

(See Exhibit "A")

14. The property is located in Block 8985, Lot 36 in the County of Queens.

15. On or about and between August 30th, 2010 to March 8th, 2012, Debtor was issued ten DOB violations totaling $178,000.00 for the property located on Block 8985, Lot 36 at 91-61 91st Street Woodhaven, New York 11421-3020.

16. Each DOB violation consists of an infraction code and a description. The specifics of Defendant's ten violations are summarized within the following categories:

i. *Infraction Code 187: "Unlawful acts, failure to comply with an order of the Commissioner"*
   - i. Six (6) aggravated offense level 1 violations
     - 1. $24,000.00 per violation
   - ii. One (1) non-aggravated violation
     - 1. $12,000.00 per violation

ii. *Infraction Code 263: "Failure to comply with Commissioner order to file Certificate of Correction with Department of Buildings"*
   - i. One (1) aggravated offense level 1 violation
     - 1. $8,000.00 per violation

iii. *Infraction Code 101: "Work without a permit"*

i. One (1) non-aggravated violation
    1. $8,000.00 per violation

iv. *Infraction Code 200: "Residence altered for occupancy as a dwelling for more than the legally approved number of families"*
    i. One (1) non-aggravated violation
        1. $6,000.00 per violation

(A copy of the DOB violations is attached to this Adversary Proceeding as Exhibit "B" and is incorporated by reference.)

17. Plaintiff-Creditor notified Debtor of the DOB violations and scheduled hearing regarding said violations. Plaintiff-Creditor also made attempts to recoup the amount owed

18. Debtor failed to remit any payment, leaving an outstanding balance still due and owing. Debtor also failed to appear at the scheduled DOB hearing, resulting in a default.

19. As a result of Defendant's default and subsequent inaction, Plaintiff-Creditor assessed additional fines and penalties.

20. Debtor continued in his failure to address the fines or arrange for payment.

21. In total, Debtor amassed DOB fines and penalties totaling $234,717.77 stemming from the relevant ten DOB violations and associated penalties and fines incurred following Debtor's default.

22. As the DOB's attempts to obtain payment from the Debtor were unsuccessful, the violations were filed and docketed in the New York State Supreme Court based on a judgment entered in favor of Plaintiff against Debtor on August 31st, 2012 in the amount of $234,717.77, including costs, together with interest thereon from the date of judgment.

(A copy of the Execution is attached to this Adversary Proceeding as Exhibit "C" and incorporated by reference.)

## COUNT I – NONDISCHARGEABILITY OF CREDITOR'S CLAIM UNDER SECTION 523(a)(7) OF THE BANKRUPTCY CODE

23. Creditor repeats and re-alleges the allegations set forth in paragraphs 1-22 as if set forth at length herein.

24. Bankruptcy Code § 523(a)(7) provides, in relevant part, that:

a. *To the extent such debt is for a fine, penalty or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty ---*
   A. *relating to a tax of a kind not specified in paragraph (1) of this subsection; or*
   B. *imposed with respect to a transaction or event that occurred before three years before the date of the filing of this petition;*

25. All of the debt owed to Creditor is non-dischargeable, as the debt is comprised of fines assessed by a governmental unit. The Department of Buildings, organized under the New York City Charter Chapter 26 § 641, is an independent agency within the government of New York City, which falls under the meaning of Bankruptcy Code § 523(a)(7).

26. Debtor's fines were for violations of the Administrative Code of the City of New York. Violations under the Code can be substantiated with the presence of two elements: (1) that the cited party is "[t]he owner, lessee, agent, occupant or other person who manages or controls a building or dwelling," and (2) the underlying violation. The agency must meet a standard of a *preponderance of the credible evidence*. *Grogan v. Garner*, 498 U.S. 279, 287, 111 S.Ct. 654 (1991)

27. Here, the DOB-cited party, the Debtor, is the owner of the building subject to the violations, as evidenced by the mortgage dated and the recordation of the deed, dated September 26th, 1991. (See Exhibit "A")

28. The underlying DOB violations may be characterized as debts owed to a governmental unit for a fine, penalty, or forfeiture, falling within the scope of § 523(a)(7) thus making them non-dischargeable.

WHEREFORE, Creditor respectfully requests that this Court enter a judgment determining that the debt reflected in the claim is non-dischargeable under Bankruptcy Code § 523(a)(7), and granting Creditor relief from the stay and such other and further relief as this Court may deem just and proper.

Dated: Brooklyn, New York
June 30, 2016

*Leopold, Gross & Sommers, P.C.*
By: ________________
Paul R. Gross (2534)

16 Court Street Suite 1903
Brooklyn, NY 11241
Tel: 718-625-2805
LGS# N1508283

*Attorneys for Plaintiff*

*New York City Department of Buildings*

TO:

**Alfonso Cevallos**
*Pro Se Debtor*
91-61 91st Street
Woodhaven, NY 11421

**Marianne DeRosa**
*Standing Chapter 13 Trustee*
125 Jericho Tpke
Suite 105
Jericho, NY 11753
(513) 622-1340

# EXHIBIT A

REEL 3209 PAGE 0765

STATE OF NEW YORK, COUNTY OF QUEENS ss:

On the 17th day of September 1991, before me personally came ANTHONY RUSSO

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that He executed the same.

WILLIAM H. WHITESFORD JR
Notary Public, State of New York
No. 30 4248500
Qualified in Nassau County
Commission Expires March 30, 19__

9/30/91

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

09-26-91 Q-02 DEED 588568
PAID DEED $19.00

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF 09-26-91 Q-02 GNAFF ss: 588569
PAID GNAFF $1.00

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. SACQ 744918

ANTHONY RUSSO

TO

ALFONSO CEVALLOS

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
COMMONWEALTH LAND TITLE INSURANCE COMPANY
A Reliance Group Holdings Company

45575

SECTION 39
BLOCK 8985
LOT 36
COUNTY OR TOWN QUEENS

Recorded at Request of ~~COMMONWEALTH LAND~~ TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

HASHINGSKY & AROUGHETI, ESQS.
124-10 Liberty Avenue
Richmond Hill, N.Y. 11419
Zip No.

LOC. VER. BY ADDRESS

RECORDED IN QUEENS COUNTY

OFFICE OF THE CITY REGISTER
91 SEP 26 PM12:45

WITNESS MY HAND AND OFFICIAL SEAL
CITY REGISTER

REAL ESTATE
SEP 26 1991
TRANSFER TAX
QUEENS COUNTY
003216

A-9
$70
137.00

B-3290

REEL 3209 PAGE 0764

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

NN
T.I.
$580.-

**THIS INDENTURE,** made the 17th day of September, nineteen hundred and ninety one
**BETWEEN**

ANTHONY RUSSO

residing at 91-61 91st Street, Woodhaven, New York 11421

party of the first part, and

ALFONSO CEVALLOS

residing at 119-37 Metropolitan Avenue, Kew Gardens, N.Y. 11415

party of the second part,

**WITNESSETH,** that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Fourth Ward of the Borough and County of Queens, City and State of New York and bounded and described as follows:

BEGINNING at a point on the Easterly side of East 91st Street, (formerly Thrall Avenue), distant 16 feet Northerly from the Northeasterly corner of 91st Street and Atlantic Avenue;

RUNNING THENCE Easterly and parallel with Atlantic Avenue and part of the distance through a party wall, 100 feet;

THENCE Southerly and parallel with 91st Street 16 feet to the Northerly side of Atlantic Avenue;

THENCE Westerly along the Northerly side of Atlantic Avenue, 100 feet to the Northeasterly corner of 91st Street and Atlantic Avenue; and

THENCE Northerly along the said Easterly side of 91st Street, 16 feet to the point of BEGINNING.

TOGETHER with a right of way and subject to an easement of right of way for ingress and egress as set forth in deed dated August 1, 1921 and recorded August 19, 1921 in Liber 2363 Page 85 of Conveyance in the Registers Office, County of Queens.

SAID PREMISES KNOWN AS: 91-61 91st Street, Woodhaven, New York 11421.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF,** the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

[signature] [signature] (L.S.)
ANTHONY RUSSO

3290

# EXHIBIT B

## ECB Violation Standard Report- Block and Lot

| Year Issued | ECBs | Penalty Imposed | Penalty Paid |
|---|---|---|---|
| 2010 | 3 | $26,000 | $0 |
| 2011 | 5 | $120,000 | $0 |
| 2012 | 2 | $32,000 | $0 |
| Grand Total | 10 | $178,000 | $0 |

| Vio Severity | ECBs |
|---|---|
| CLASS - 1 | 8 |
| CLASS - 2 | 2 |
| Grand Total | 10 |

| Hearing Status | ECBs |
|---|---|
| DEFAULT | 10 |
| Grand Total | 10 |

| Compliance Status | ECBs |
|---|---|
| CERTIFICATE DISAPPROVED | 2 |
| NO COMPLIANCE RECORDED | 8 |
| Grand Total | 10 |

**BIN 4186354 Block 8985 Lot 36 91-61 91 STREET QUEENS**

| ECB Viol# | Vio Active | Vio Issued Date | Respondent | Hearing Date | Hearing Status | Penalty Imposed | Penalty Paid | Severity | Infraction Code | Agg Level | Vio Standard Description | Vio Inspector Description | Compliance Status | Compliance Latest Event | Vio Type | ECBs |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 34971099M | OPEN | 03/21/2012 | ALFONSO CEVALLOS | 05/08/12 | DEFAULT | $8,000 | $0 | CLASS - 2 | 253 | AGGRAVATED OFFENSE LEVEL 1 | FAIL TO COMPLY W/COMMISSIONER ORDER TO FILE CERT OF CORRECTION W/DOB | FAILURE TO COMPLY W/THE COMMISSIONER'S ORDER TO FILE A C OF C W/THE DEPT OF BUILDINGS FOR NOTICE OF VIOLATION #34870335M ISSUED ON 8/20/10 PURSUANT TO 28-204.4 & 1RCNY 102-01. ILLEGAL PLUMBING & PARTITIONS 3PC | NO COMPLIANCE RECORDED | | | 1 |
| 34963229L | OPEN | 01/10/2012 | ALFONSO CEVALLOS | 02/28/12 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER CONTAINED IN NOTICE OFVIOLATION #34870335M ISSUED ON 8-20-10 ILLEGAL PLUMBING/PARTITIONS 3PCBATH & CELLAR. REM:COMPLY WITH THE COMMISSIONER'S ORDER. | NO COMPLIANCE RECORDED | | | 2 |
| 34961878J | OPEN | 11/29/2011 | CEVALLOS ALFONSO | 01/17/12 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO COMPLY W/ THE COMM ORDER CONTAINED IN NOV#34870335M ISSUED ON 8/20/10 PLUMBING CONSTRUCTION WORK ETC REM: COMPLY W/ THE COMM ORDER | NO COMPLIANCE RECORDED | | | 3 |
| 34927221Z | OPEN | 09/21/2011 | ALFONSO CEVALLOS | 11/15/11 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO CORRECT CONDITION(S) CITED IN NOV 34870335M ON 8.20.10 FOR WORK DONE W/O A PERMIT. REMEDY: CORRECT CONDITION(S) CITED. | NO COMPLIANCE RECORDED | | | 4 |
| 34884537H | OPEN | 07/01/2011 | ALFONSO LEVALLOS | 08/16/11 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO CORRECT CONDITIONS CITED IN NOV34870336R FOR WORK DONE W/O PERMIT.REM:CORRECT CONDITIONS CITED | NO COMPLIANCE RECORDED | | | 5 |
| 34918986X | OPEN | 05/24/2011 | ALFONSO CEVALLOS | 07/12/11 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO CORRECT CONDITIONS CITED IN NOV#34870335M FOR WORK DONE W/O A PERMIT (CONSTRUCTION,PLUMBING WORK,ETC).REM:CORRECT CONDITIONS CITED. | NO COMPLIANCE RECORDED | | | 6 |
| 34900334P | OPEN | 03/03/2011 | ALFONSO CEVALLOS | 04/19/11 | DEFAULT | $24,000 | $0 | CLASS - 1 | 187 | AGGRAVATED OFFENSE LEVEL 1 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO CORRECT CONDITIONS CITED IN NOV#34870335M FOR CONSTRUCTION PLUMBING WORK ETC REM: CORRECT CONDITIONS CITED | NO COMPLIANCE RECORDED | | | 7 |
| 34877163R | OPEN | 10/05/2010 | ALFONSO CEVOLLOS | 11/30/10 | DEFAULT | $12 000 | $0 | CLASS - 1 | 187 | NO | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF THE COMMISSIONER | FAILURE TO CORRECT CONDITIONS CITED IN NOV 34870335M FOR WORK DONE W/O A PERMTI (INSTALLED WATER & WASTE LINES,PARTITIONS ETC). REMEDY: CORECT CONDITIONS CITED. | NO COMPLIANCE RECORDED | | | 8 |

| ECB Vio# | Vio Active | Vio Issued Date | Respondent | Hearing Date | Hearing Status | Penalty Imposed | Penalty Paid | Severity | Infraction Code | Agg Level | Vio Standard Description | Vio Inspector Description | Compliance Status | Compliance Latest Event | Vio Type | ECBs |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 34870334K | OPEN | 08/30/2010 | CEVALLOS ALFONSO | 04/26/11 | DEFAULT | $6.000 | $0 | CLASS - 2 | 200 | NO | RESIDENCE ALTER FOR OCCUP AS DWELLING FOR MORE THAN LEGALLY APPROVED | RESIDENCE ALTERED FOR OCCUPANCY AS A DWELLING FOR MORE THAN THE LEGALLY APPROVED # OF FAMILIES. DEPT OF BUILDING RECORDS INDICATES PREMISES TO BE LEGALLY APPROVED FOR A 1 FAMILY. RESIDENCE IS HOW ALTERED FOR | CERTIFICATE DISAPPROVED | | | 9 |
| 34870335M | OPEN | 08/30/2010 | CEVALLOS ALFONSO | 04/26/11 | DEFAULT | $8.000 | $0 | CLASS - 1 | 101 | NO | WORK WITHOUT A PERMIT | WORK W/O A PERMIT. WORK NOTED AS FOLLOWS. AT 1ST FL LEVEL ERECTED FULLHEIGHT PARTITION TO SUBDIVIDE 1ST FL FROM 2ND FL. AT 1ST FL LEVEL ERECTED FULL HEIGHT PARTITION TO CREATE 1 ROOM. INSTALLED WATER & WASTE | CERTIFICATE DISAPPROVED | | CONSTRUCTION | 10 |

# EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

*Index No.* *SEE ATTACHED

THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS

*Plaintiff(s)*

*against*

ALFONSO CEVALLOS

*Defendant(s)*

**Execution with Notice to Garnishee**

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OF ANY COUNTY OR ANY MARSHAL OF THE CITY OF NEW YORK, GREETING:

WHEREAS, in an action in the SUPREME Court of the STATE OF NEW YORK, County of NEW YORK between THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS as plaintiff(s) and ALFONSO CEVALLOS as defendant(s) who are all the parties named in said action, a judgment was entered on **August 31, 2012** in favor of THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS judgment creditor(s) and against **ALFONSO CEVALLOS** judgment debtor(s) whose last known address is 91-61 91ST STREET, WOODHAVEN NY 11421-3020 in the amount of **$234,717.77** including costs, of which $234,717.77 together with interest thereon from August 31, 2012 remains due and unpaid;

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal property of the above named judgment debtor and the debts due to him; and that only the property in which said judgment debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; AND TO RETURN this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execution is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor.

Pursuant to CPLR § 5205(1), $2,750 of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in CPLR § 5205(1)(2), is exempt from execution and the garnishee cannot levy upon or restrain $2,750 in such an account.

Pursuant to CPLR § 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of 240 times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his dependent(s).

**Notice to Garnishee**

TO: NYS OFFICE OF THE STATE COMPTROLLER
ADDRESS: 110 State Street, Albany NY 12207-2027

WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the judgment debtor has an interest, including, without limitation, the following specified debt and property: **Social Security # of ALFONSO CEVALLOS: 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**

NOW, THEREFORE, YOU ARE REQUIRED by section 5232(a) of the Civil Practice Law and Rules forthwith to transfer to the sheriff all personal property not capable of delivery in which the judgment debtor is known or believed to have an interest now in or hereafter coming into your possession or custody including any property specified in this notice; and to pay to the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as is provided by any order of the court served upon you whichever event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon the direction of the sheriff or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections 5225 or 5227 of the Civil Practice Law and Rules has been brought.

Date: March 3, 2016

PAUL R. GROSS

Attorney(s) for Judgment Creditor
Office and Post Office Address

LEOPOLD, GROSS & SOMMERS, P.C.
16 Court Street Ste 1903, Brooklyn, New York NY 11241

LGS File No. **N1508283**

## *ENDORSEMENT*

*Please take notice that the following named defendants were not served with a summons herein, viz.:*

*and that, as to them, the execution must be restricted as below prescribed.*

*An execution against property shall not be levied upon the sole property of such defendant, but it may be collected out of personal property owned by him jointly with the other defendants who were summoned or with any of them, and out of the real and personal property of the latter or any of them.*

*Name and Address of Garnishee* *Attorney(s) for*

*Address of Judgment Debtor*

*Location of Property*

*INDEX NO.* ****SEE ATTACHED*** **SUPREME** COURT COUNTY OF **NEW YORK**

# Execution

## *AGAINST PROPERTY*
## *With Notice to Garnishee*

THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS

*Plaintiff(s)*

*against*

ALFONSO CEVALLOS

*Defendant(s)*

LAW OFFICES OF

**LEOPOLD, GROSS & SOMMERS, P.C.**

*Sheriff of any County*
*Levy and collect as within directed*

*with interest from*
*besides your fees, etc.*

*Attorneys for Plaintiff*
*Office and Post Office Address*
**16 Court Street Ste 1903**
**Brooklyn NY 11241**

*Dated and time received*

________________________ *Sheriff*

# CEVALLOS ALFONSO
## SCHEDULE A

| Respondent Name | Summons # | Issued Date | Premise Address | Premise City, State Zip | Issuing Agency | Infraction Code | Infraction Description | Disposition | Docket Date | Fine Amount | Net Balance Amount | Payment Amount | Interest Amount | Amount Due | Case # |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CEVALLOS ALFONSO | 034870334K | 08/30/2010 | 91-61 91 STREET | QN, NY 11421 | DOB | B200 | RESIDENCE ALTER FOR OCCUP AS DWELLING FOR MORE THA | In Default | 08/31/2011 | $ 6,000.00 | $ 6,000.00 | $ - | $ 2,090.47 | $ 8,090.47 | 005010728 |
| CEVALLOS ALFONSO | 034870335M | 08/30/2010 | 91-61 91 STREET | QN, NY 11421 | DOB | B101 | WORK WITHOUT A PERMIT | In Default | 08/31/2011 | $ 8,000.00 | $ 8,000.00 | $ - | $ 2,787.29 | $ 10,787.29 | 005010728 |
| ALFONSO CEVOLLOS | 034877163R | 10/05/2010 | 91-61 91 STREET | QN, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 03/31/2011 | $ 12,000.00 | $ 12,000.00 | $ - | $ 4,633.64 | $ 16,633.64 | 004967815 |
| ALFONSO LEVALLOS | 034884537H | 07/01/2011 | 91-61 91 STREET | QNS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 11/30/2011 | $ 24,000.00 | $ 24,000.00 | $ - | $ 7,823.34 | $ 31,823.34 | 005046033 |
| ALFONSO CEVALLOS | 034900334P | 03/03/2011 | 91-61 91 STREET | QNS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 07/31/2011 | $ 24,000.00 | $ 24,000.00 | $ - | $ 8,545.32 | $ 32,545.32 | 005005082 |
| ALFONSO CEVALLOS | 034918986X | 05/24/2011 | 91-61 91 STREET | QUEENS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 10/31/2011 | $ 24,000.00 | $ 24,000.00 | $ - | $ 8,000.88 | $ 32,000.88 | 005005082 |
| ALFONSO CEVALLOS | 034927221Z | 09/21/2011 | 91-61 91 STREET | QNS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 02/29/2012 | $ 24,000.00 | $ 24,000.00 | $ - | $ 7,284.82 | $ 31,284.82 | 005005082 |
| CEVALLOS ALFONSO | 034961978J | 11/29/2011 | 91-61 91 STREET | QNS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 04/30/2012 | $ 24,000.00 | $ 24,000.00 | $ - | $ 6,923.84 | $ 30,923.84 | 005904102 |
| ALFONSO CEVALLOS | 034963229L | 01/10/2012 | 91-61 91 STREET | QUEENS, NY 11421 | DOB | B187 | UNLAWFUL ACTS.FAILURE TO COMPLY WITH AN ORDER OF T | In Default | 06/30/2012 | $ 24,000.00 | $ 24,000.00 | $ - | $ 6,562.85 | $ 30,562.85 | 005005082 |
| ALFONSO CEVALLOS | 034971099M | 03/21/2012 | 91-61 91 STREET | QN, NY 11421 | DOB | B263 | FAIL TO COMPLY W/COMMISSIONER ORDER TO FILE CERT O | In Default | 08/31/2012 | $ 8,000.00 | $ 8,000.00 | $ - | $ 2,065.32 | $ 10,065.32 | 005005082 |
| TOTAL DUE | | | | | | | | | | $ 178,000.00 | $ 178,000.00 | $ - | $ 56,717.77 | $ 234,717.77 | |

Prepared by NYC Law Department
Printed by Leopold, Gross & Sommers, P.C.
11/21/2015, 11:22 PM